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RULES SUPPLEMENT TO PART - I
EXTRAORDINARY
OF
THE TELANGANA GAZETTE
PUBLISHED BY AUTHORITY

No. 14] HYDERABAD, WEDNESDAY, MAY 31, 2017.

NOTIFICATIONS BY GOVERNMENT

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REVENUE DEPARTMENT

(JA&LA)

THE RIGHT TO FAIR COMPENSATION AND TRANSPARENCY IN LAND ACQUISITION, REHABILITATION AND RESETTLEMENT ACT, 2013 (CENTRAL ACT NO.30 OF 2013) – AMENDMENT BY THE TELANGANA AMENDMENT ACT, 2016 (ACT NO.21 OF 2017) IN ITS APPLICATION TO THE STATE OF TELANGANA – DRAFT TELANGANA STATE LAND ACQUISITION (CONSENT AWARD, VOLUNTARY ACQUISITION AND LUMP SUM PAYMENT TOWARDS REHABILITATION AND RESETTLEMENT) RULES, 2017 – PREVIOUS PUBLICATION.

[G.O.Ms.No.92, Revenue (JA&LA), 31st May, 2017.]

PRELIMINARY NOTIFICATION

The following draft of rules called “The Telangana State Land Acquisition (Consent Award, Voluntary Acquisition and Lump sum payment towards Rehabilitation and Resettlement) Rules, 2017” which the Government of

[1]

G-146/1.

Telangana proposes to make in exercise of the powers conferred by Section 109(2)(v) of the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013 (Central Act 30 of 2013) as amended by the Telangana Amendment Act, 2016 (Act No.21 of 2017) is hereby published as required by Section 112 of the said Act, for the information of all persons to be affected thereby and notice is hereby given that the said draft rules shall be taken into consideration after expiry of a period of one week/(7) days from the date on which the copies of this Notification as published in the Telangana State Gazette are made available to the public.

8. Any objections or suggestions which may be received by the State Government from any person with respect to the said draft rules before the expiry of the period specified above will be considered by the State Government.

9. Objections or suggestions, if any, may be addressed to the Principal Secretary to Government (Land Acquisition), Revenue Department, Telangana State Secretariat, Hyderabad.

ANNEXURE-I
DRAFT RULES
GENERAL

1. Short title and extent.

(1) These rules may be called the Telangana State Land Acquisition (Consent Award, Voluntary Acquisition and Lump sum Payment towards Rehabilitation and Resettlement) Rules, 2017.

(2) They shall extend to the whole of the State of Telangana.

2. Definitions:

(1) In these rules, unless the context otherwise requires,—

(a) “Act” means the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013 (Central Act No.30 of 2013) as amended by the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement (Telangana Amendment) Act, 2016 (Act No.21 of 2017);

(b) “**Agreement**” means as defined in the Indian Contract Act, 1872.

(c) “**Authorized Officer**” means District Collector or any other Officer Authorized by the District Collector.

(d) “**Form**” means Form/s appended to these rules.

(2) All words and expressions used but not defined in these rules shall have the meaning assigned to them in the Act and the Telangana State Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Rules, 2014.

POWER OF STATE GOVERNMENT UNDER SECTION 10 A OF THE ACT

3. The Requisitioning Administrative Department of the State Government shall in the first instance, finalize the minimum extent of the land required for the project.

4. The Requisitioning Administrative Department, after finalizing the extent of land required under rule 3, may, in the public interest give the required notification under section 10 A of the Act;

CONSENT AWARD UNDER SECTION 23A

5. The District Collector may, at any stage of the land acquisition proceedings invoke the provisions of the Act for settlement of the proceedings by negotiation.

6. The District Collector shall, for such proceedings issue notice to all the persons interested in the land under acquisition in Form-A for their willingness to settle their claims through negotiation.

7. Negotiation shall be carried out by a Negotiation Committee consisting of the following officials:-

- (i) District Collector
- (ii) Joint Collector
- (iii) RDO/Dy. Collector
- (iv) Executive Engineer of a Works Dept.
(other than the requisitioning Dept.)
- (v) Representative of Requisitioning Dept.

8. The settlement reached in the negotiation shall be recorded as an Agreement in Form-B.

9. The District Collector shall make an award according to the terms of such Agreement:

Provided that “the award” passed under rule 9, shall provide higher compensation than what could have been provided under the provisions in sections 30 and 31 of the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013 read with rules 26 to 28 of the Telangana State Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Rules, 2014.

VOLUNTARY ACQUISITION OF LAND

10. The Requisitioning Agency shall file requisition with the District Collector, furnishing the details of the land required for public purpose.

11. On receipt of such requisition, the District Collector or an Authorized Officer after due verification shall, issue a public Notice in Form-C inviting claims from all the persons interested/affected for settlement by negotiation of the same.

12. The Negotiation Committee constituted under rule 7 shall carry out the negotiations.

13. The negotiations so carried out and the settlement reached thereby shall be entered into an agreement in Form-D and the Authorized Officer and the land owners shall execute the same.

14. The District Collector or the Authorized Officer shall pass an order as per the agreement entered into which shall be notified in the District Gazette:

Provided that the considerations ordered to land owners shall be higher than what could have been arrived under the provisions of sections 30 and 31 of the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013 read with rules 26 to 28 of the Telangana State Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Rules, 2014.

LUMP SUM PAYMENT TOWARDS REHABILITATION AND RESETTLEMENT

15. The Authorized Officer shall finalize the details of the families affected due to land acquisition and submit to the District Collector for approval.

16. The District Collector shall make an award for payment in lump sum towards Rehabilitation and Resettlement as per the schedule A.

17. The District Collector shall offer options to the affected families to choose either Part-I or Part-II of the Schedule A towards lump sum settlement of R & R:

Provided that the lump sum payment shall be higher than what could have been arrived under the provisions of sections 30 and 31 of Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013 read with rules 26 to 28 of the Telangana State Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Rules, 2014.

MISCELLANEOUS

18. The Authorized Officer shall ensure incorporation of necessary changes in Revenue, Registration and Survey Records while making payment of compensation/consideration to the land owners.

19. Removal of Difficulties:- If any difficulty arises as to the interpretation of any provisions of these Rules or in the implementation of such provisions, the State Government shall have powers to issue clarifications/directions for the purpose of removal of the difficulties.

B.R.MEENA,

Special Chief Secretary to Government.

FORM-A
(See Rule 6)

Notice calling for claims for settlement through Negotiation Committee

It is hereby informed that the land specified _____ at Survey Nos _____ Measuring _____ Acs _____ in the village of _____ in the Mandal of _____ in the district of _____ in the State of Telangana is needed for a public purpose for _____. In accordance with the notification under Sec 11 of the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013 (Central Act 30 of 2013) published at page _____ of part _____ of the _____ Gazette, dated _____.

All persons interested in the land are requested to appear personally or by person authorized by them before the Negotiation Committee on _____ at _____ at _____ (time) and to state their willingness to settle their claims through the Negotiation Committee.

CONVENER NEGOTIATION COMMITTEE

FORM-B
(See Rule 8)
Agreement
(Under section 23 A)

An agreement made this _____ day
of _____ 20 _____ between _____
hereinafter called the "Owner" (Which expression shall unless repugnant to
the context or meaning there of include his heirs, executors and administrators)
and _____
hereinafter called the "Persons Interested" (Which expression shall unless
repugnant to the context or meaning thereof include their successors and
assignees (to be scored out if there is no interested party on the one part) and
the Government represented by _____
(Collector) hereinafter called the "Government" on the other part and attested
by Negotiations Committee.

AND WHEREAS the right, title and interest of the owner/owners and the
interested party/parties in the following land/ lands hereinafter called the said
land / lands is/ are as specified below:

A: Persons being the absolute owner/owners of the Property or having an
interest therein capable of leading ownership ultimately hereinafter mentioned
and hereby conveyed in the following shares, that is to say:

- (1) _____ S/o _____ Share _____
(2) _____ S/o _____ Share _____
(3) _____ S/o _____ Share _____

B: Where the land/lands are held by the interested party /parties under the
owners named herein above with respective terms and nature of interest:

- (1) _____ S/o _____ Definite
Term and nature of interest _____
(2)) _____ S/o _____ Definite
Term and nature of interest _____
(3) _____ S/o _____ Definite
Term and nature of interest _____

C: **AND WHEREAS** the said land/lands have been notified under Sec 11 of the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013, (Central Act 30 of 2013) under Notification No. _____ Dated _____, Further published on _____ under Sec 19 of the said Act under Declaration No. _____ dated _____ Published on _____.

AND WHEREAS the owner and the interested party and the acquiring Agency agreed for payment of compensation at _____ as a _____ Lump sum deal for an extent covering Acs _____ in _____ (vlg) _____ (Mandal) _____ (District). The Lump sum deal represents the Market value of the land including structural value and tree value, solatium as per Schedule-I of the Principal Act and interest if any (up to the date of payment of 1st installment) and also apportion the same between themselves as herein after provided.

AND WHEREAS the owner/ interested parties have no intention to raise any dispute with regard to the contents and manner of this Agreement and the owner/Persons interested have no intention of making a reference to any court or authority, as far as the compensation, contents and manner of this Agreement are concerned.

Signatures of the owners/interested parties

FORM-C**(See Rule 11)****PUBLIC NOTICE****Notice calling for claims for settlement through Negotiation
Committee**

It is hereby informed that the land specified _____ at
Survey Nos _____ Measuring _____ Acs _____ in
the village of _____ in the Mandal of _____ in
the district of _____ in the State of Telangana is needed
for a public purpose for _____

All persons interested in the land should appear personally or by person
authorized by them before the Negotiation Committee on _____
at _____ at _____ (time) and to state their willingness to
settle their claims through the Negotiation Committee.

DISTRICT COLLECTOR/AUTHORISED OFFICER

FORM-D

(See Rule 13)

AGREEMENT

(Under Section 30 A)

An agreement made this _____ day of _____
 20_____ between _____ hereinafter called the “Owner”
 (Which expression shall unless repugnant to the context or meaning thereof
 include his heirs, executors and administrators) and _____
 hereinafter called the “Interested Party” (Which expression shall unless
 repugnant to the context or meaning thereof include their successors and
 assignees (to be scored out if there is no interested party on the one part) and
 the Authorized Officer based on the agreement concluded by The Negotiation
 Committee.

AND WHEREAS the right, title and interest of the owner/owners and the
 interested party/parties in the following land/lands are as specified below:

A: Persons being the absolute owner/owners of the Property or having an
 interest therein capable of leading ownership ultimately hereinafter mentioned
 and hereby conveyed in the following shares, that is to say:

- (1) _____ S/o _____ Share _____
 (2) _____ S/o _____ Share _____
 (3) _____ S/o _____ Share _____

B: Where the land/lands are held by the interested party/parties under the
 owners named herein above with respective terms and nature of interest:

- (1) _____ S/o _____ Definite
 Term and nature of interest _____
 (2) _____ S/o _____ Definite
 Term and nature of interest _____
 (3) _____ S/o _____ Definite
 Term and nature of interest _____

AND WHEREAS the owner and the interested party and the Requisitioning
 Agency have agreed for payment of consideration towards the value of land
 and property, perceived loss of livelihood, equivalent costs required for

rehabilitation and resettlement of willing land owners etc. at Rs.

_____for an extent covering_____

Acrs including any building/structures/trees/appurtenant, perceived loss of livelihood, equivalent costs required for rehabilitation and resettlement in

_____ (vlg) _____ (Mandal) _____

_____ (District).

AND WHEREAS the owner/ interested parties have no intention to raise any dispute with regard to the contents and manner of this Agreement and the owner/interested parties have no intention of making a reference to any court or authority, as far as the sale consideration, contents and manner of this Agreement are concerned.

Signatures of the owners/interested parties

SCHEDULE A**PART - I**

Rehabilitation and Resettlement lump sum package under the RFCTLARR (Telangana Amendment) Act, 2016

Serial No.	Component of infrastructure amenities provided/proposed to be provided.	Details of infrastructure amenities provided
01	Rs. 5.04 lakhs	Rs.5.04 lakhs (equivalent to a house as per the two-bed room housing policy of the State Government) will be paid in case of displacement of a family (family includes a person, widow / widower, his or her spouse, minor children, minor brothers and minor sisters dependent on him / her and living together).
	OR	OR
	Rs. 1.25 lakhs	Rs. 1.25 lakhs will be paid to single family members without spouse (equivalent to Indira Awas Yojana, IAY)
02	Rs. 5.00 lakhs	(a) Onetime payment of Rs. 5.00 lakhs for the affected family;
	OR	OR
	Rs. 3,000/-	(b) Rs.3,000/- per month as annuity will be paid for an affected family in case of SC and ST for a period of 20 years.
	OR	OR
	Rs. 2,500/-	(c) Rs.2,500/- per month as annuity, will be paid for a period of 20 years to the artisans and agricultural labourers other than SC and ST.

		(d) The annuities mentioned above will be with appropriate indexation to the consumer price index.
03	Rs. 40,000/-	A total of Rs.40,000/- will be paid per family as a subsistence grant for one year.
04	Rs. 60,000/-	Rs.60,000/- as a one-time grant will be paid for the affected family belonging to SC and ST in the scheduled Areas.
05	Rs. 60,000/-	Rs.60,000/- as a one-time transport grant will be paid to each affected family in case of displacement and if re-location is required.
06	Rs. 30,000/-	Rs. 30,000/- as a onetime grant will be paid to artisans and those involved in traditional occupations and other self-employed persons.
07	Rs. 60,000/-	Rs.60,000/- will be paid to each affected family as one time resettlement assistance
08		Rs.7,50,000/-. An option will be given in case a family with all members living together as referred in para 1 decides to set up a self-financed scheme or an enterprise based on their own choice or for any other income generating activity. Such a family will be paid a lump sum amount of Rs.7.5 lakhs towards financial assistance in lieu of the specified benefits listed in Items 2-7 above.
09		Fishing rights for the affected families if storage tanks are created and fishing is feasible.
10		In case of projects that may create jobs in future, the guidelines of the State Industrial Policy, 2014 which emphasizes local job creation, will apply.

PART – II**(A)****Rehabilitation and Resettlement Entitlements under the
RFCTLARR (Telangana Amendment) Act, 2016**

Serial number	Provision of Rehabilitation and Resettlement	Entitlement/provision
1.	Provision of housing units in case of displacement	<p>(1) If a house is lost in rural areas, a constructed house shall be provided as per the Indira Awas Yojana specifications. If a house is lost in urban areas, a constructed house shall be provided, which will be not less than 50 sq mts in plinth area.</p> <p>(2) The benefits listed above shall also be extended to any affected family which is without homestead land and which has been residing in the area continuously for a period of not less than three years preceding the date of notification of the affected area and which has been involuntarily displaced from such area:</p> <p>Provided that any such family in urban areas which opts not to take the house offered, shall get a one-time financial assistance for house construction, which shall not be less than one lakh fifty thousand rupees:</p> <p>Provided further that if any affected family in rural areas so prefers, the equivalent cost of the house may be offered in lieu of the constructed house:</p> <p>Provided also that no family affected by procurement shall be given more than one house under the provisions of this Act.</p>

2.	Choice of Annuity or Employment	<p><i>Explanation.</i>—The houses in urban areas may, if necessary, be provided in multi-storied building complexes.</p> <p>The appropriate Government shall ensure that the affected families are provided with the following options:</p> <p>(a) where jobs are created through the project, ‘after providing suitable training and skill development in the required field, make provision for employment at a rate not lower than the minimum wages provided for in any other law for the time being in force, to at least one member per affected family in the project or arrange for a job in such other project as may be required; or</p> <p>(b) onetime payment of five lakhs rupees per affected family; or</p> <p>(c) Annuity policies that shall pay not less than two thousand rupees per month per family for twenty years, with appropriate indexation to the Consumer Price Index for Agricultural Labourers.</p>
3.	Subsistence grant for displaced families for a period of one year	<p>Each affected family which is displaced from the land acquired shall be given a monthly subsistence allowance equivalent to three thousand rupees per month for a period of one year from the date of award. In addition to this amount, the Scheduled Castes and the Scheduled Tribes displaced from Scheduled Areas shall receive an amount equivalent to fifty thousand rupees. In cases of displacement from the Scheduled Areas, as far as possible, the affected families shall be relocated in a similar ecological zone, so as to preserve the economic opportunities, language, culture and community life of the tribal communities.</p>

4.	Transportation cost for displaced families	Each affected family which is displaced shall get a one-time financial assistance of fifty thousand rupees as transportation cost for shifting of the family, building materials, belongings and cattle
5.	Cattle shed/petty shops cost	Each affected family having cattle or having a petty shop shall get one-time financial assistance of such amount as the appropriate Government may, by notification, specify subject to a minimum of twenty-five thousand rupees for construction of cattle shed or petty shop as the case may be.
6.	One time grant to artisan, smalltraders and certain others	Each affected family of an artisan, small trader or self-employed person or an affected family which owned non-agricultural land or commercial, industrial or institutional structure in the affected area, and which has been involuntarily displaced from the affected area due to land procurement, shall get one-time financial assistance of such amount as the appropriate Government may, by notification, specify subject to a minimum of twenty-five thousand rupees.
7.	Fishing rights	In cases of irrigation or hydel projects, the affected families may be allowed fishing rights in the reservoirs, in such manner as may be prescribed by the appropriate Government.
8.	One-time Resettlement Allowance	Each affected family shall be given a one-time "Resettlement Allowance" of fifty thousand rupees only.
9.	Stamp duty and registration fee	(1) The stamp duty and other fees payable for registration of the land or house allotted to the affected families shall be borne by the Procuring Agency.

(2) The land for house allotted to the affected families shall be free from all encumbrances.

(3) The land or house allotted may be in the joint names of wife and husband of the affected family.

(B)

PROVISION OF INFRASTRUCTURAL AMENITIES

A reasonably habitable and planned settlement would have, as a minimum, the following facilities and resources, as appropriate:

Serial No.	Component of infrastructure amenities provided/proposed to be provided.	Details of infrastructure amenities provided
(1)	(2)	(3)
1	Roads within the resettled villages and an all-weather road link to the nearest pucca road, passages and easement rights for all the resettled families be adequately arranged	
2	Proper drainage as well as sanitation plans executed before physical resettlement	
3	One or more assured sources of safe drinking water for each family as per the norms prescribed by the Government of India	
4	Provision of drinking water for cattle	
5	Grazing land as per proportion acceptable in the State	
6	A reasonable number of Fair Price Shops	
7	Panchayat Ghars, as appropriate	
8	Village level Post Offices, as appropriate, with facilities for opening saving accounts	
9	Appropriate seed-cum-fertilizer storage facility if needed	
10	Efforts must be made to provide basic irrigation facilities to the agricultural land	

G-146/2.

	allocated to the resettled families if not from the irrigation project, then by developing a cooperative or under some Government scheme or special assistance
11	All new villages established for resettlement of the displaced persons shall be provided with suitable transport facility which must include public transport facilities through local bus services with the nearby growth centres/urban localities
12	Burial or cremation ground, depending on the caste-communities at the site and their practices
13	Facilities for sanitation, including individual toilet points
14	Individual single electric connections (or connection through nonconventional sources of energy like solar energy), for each household and for public lighting
15	Anganwadi's providing child and mother supplemental nutritional services
16	School as per the provisions of the Right of Children to Free and Compulsory Education Act, 2009 (35 of 2009);
17	Sub-health centre within two kilometres range
18	Primary Health Centre as prescribed by the Government of India
19	Playground for children
20	One community centre for every hundred families
21	Places of worship and chowpal/tree platform for every fifty families for community assembly, of numbers and dimensions consonant with the affected area
22	Separate land must be earmarked for traditional tribal institutions
23	The forest dweller families must be provided, where possible, with their forest rights on non-

	timber forest produce and common property resources, if available close to the new place of settlement and, in case any such family can continue their access or entry to such forest or common property in the area close to the place of eviction, they must continue to enjoy their earlier rights to the aforesaid sources of livelihood	
24	Appropriate security arrangements must be provided for the settlement, if needed	
25	Veterinary service centre as per norms	

NOTE.— Details of each component of infrastructural amenities mentioned under column (2) against serial numbers 1 to 25 should be indicated by the Procuring Agency under column (3).

B.R. MEENA,

Special Chief Secretary to Government.

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